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FAX COVER SHEET

DATE: January 10, 2005 TIME: 11:46 AM

DATE OF TRANSMISSION: January 10, 2005

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MATTER NUMBER: RP-001 (10/604,703)

TO:

	Name	Company	Fax No.	Telephone No.
1.	Ex. Pla Tibbits	USPTO	571-273-2086	571-272-2086
2.				
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5.				
6.				

FROM:

Name: Eric J. Weierstall Telephone No.: 202-465-7180 Fax: 775-255-1161

TOTAL NUMBER OF PAGES (EXCLUDING COVER PAGE): 4

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Message:

Erica,

Please find attached the requested copies. Thanks.

Sincerely,

Eric J. Weierstall
Tangent Law Group
Work: MOBILE (703) 328-3689
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PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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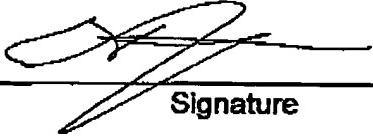
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Eric J. Weierstall, Esq. 91,331
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Filing Receipt dated August 12, 2004
As-Filed copy of Response to Restriction Requirement

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*00049*Filing Number*Aug 12, 2004*
Filing Date

Atty. Docket No:

RP-001 (Formerly WT-001)

Inventor(s):

David ELDER, et al.

Re:

MULTIPLE BATTERY SYSTEM AND AUXILIARY BATTERY ATTACHMENT SYSTEM

Application No:

10/604,703

Patent No.:

Trademark:

Opposition/Cancellation No:

Filing Date:

August 11, 2003

Issue Date:

Trademark Reg. No:

The following items were received from Eric J. Weierstall, Alexandria, VA
by the U.S. Patent & Trademark Office:

SUBMISSIONS

- New Application
- Transmittal Form (PTO-SB-05)
- New Reg. Utility U.S. Patent Application (pages of specification/claims/abstract)
- 2nd Submission of Formal Drawings
- Invention Declaration and Power of Attorney
- National Stage Application
- Translation of International Application
- Response to Notice to File Application Papers
- Assignment w/Cover Sheet
- Information Disclosure Statement w/ PTO-1449
- Response
- Preliminary Amendment
- Petition/Request for Extension of Time
- Notice of Appeal
- Reply Brief (in triplicate)
- Request for Oral Hearing
- Confirmation of Hearing Petition
- Issue Fee Transmittal
- Certificate of Correction
- Maintenance Fee Transmittal
- TM Statement of Use
- Declaration Under 8
- Declaration Under 8 and 15
- TM renewal Application
- Notice of Opposition
- Request For Corrected Filing Receipt
- Terminal Disclaimer
- Copy of Notice to File Missing Parts of Application
- Drawings (Figures, Pages of Drawings)
- XX Response to Restriction Requirement



Filing Fee (Reg. Util., Sm. Entity)	
Surcharge Fee	
Additional Claim Fee	
Assignment Recordation Fee	
Notice of Appeal Fee	
Brief on Appeal Fee	
Oral Hearing Request Fee	
Petition Fee	
Issue Fee	
Maintenance Fee	
TM Statement of Use	
8 Affidavit Fee	
8 and 15 Affidavit	
TM Renewal Application Fee	
Notice of Opposition Fee	
Terminal Disclaimer	
TOTAL FEE	\$0.00
ENCLOSED:	
PAYMENT MTHD.	NO FEE DUE

Yellow Sheet RP001- Response to Rest Req.doc

PAGE 3/5 * RCVD AT 1/10/2005 11:56:07 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2732086 * CSID:7752551161 * DURATION (mm:ss):01:42

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David ELDER, et al.

Appln No.: 10/604,703

Filed: August 11, 2003

**For: MULTIPLE BATTERY SYSTEM AND
AUXILIARY BATTERY ATTACHMENT
SYSTEM**

TC/AU: 2838

Examiner: Tibbits, Pia F.

Atty. Docket No.: RP-001

(formerly WT-001)

**RESPONSE TO RESTRICTION
REQUIREMENT**

Customer No:

34253

PATENT TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir(s):

In response to the restriction requirement set forth in the Office Action mailed July 12, 2004 (Paper No. 20040712), applicant hereby provisionally elects Group II, claims 37-62, directed to a multiple battery system, in class 320, subclass 133, as the elected claims, with traverse. Applicants note their right to pursue the non-elected inventions through any and all divisional and continuation applications in accord with MPEP §§201.06(c), 601.01 and without disclaimer of subject matter and pursuant to the provisions of MPEP §804.1 and 35 USC 121.

In responding to this restriction requirement with traverse, Applicants' grounds for traversal reside in the citation in Paragraph 2 of the Action of the laws governing restrictions in design applications. The instant application is a regular utility application not a design application, therefore, it is respectfully submitted that the proper citation for

Attorney Docket Number: RP-001
Application No: 10/604,703

the restriction is, and Applicants' proceed on the grounds that the Action intended to apply, the rules setforth in MPEP §803. Applicants' therefore understand the Action as intending to assert that these groups are patentably distinct inventions under the provisions of MPEP § 806.05 and related under MPEP §806.05(c) as combination/sub-combinations. Barring an appropriate alternate reason for restriction, if the Applicants understanding is correct, then Applicant hereby withdraws their traversal of the restriction.

Applicant believes no fee is due with this response. Should the Examiner believe a teleconference would advance the prosecution of the application, the Examiner is encouraged to telephone the undersigned counsel to arrange such a conference.

Respectfully Submitted,

Date: Aug. 14, 2004



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